



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

Docket No. 6469-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) USD (P&R) Memo, "Clarifying Guidance to Military Discharge Review Boards and Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment," 25 August 2017
(c) USD (P&R) Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," 25 July 2018
(d) NAVPERS 15560C, Naval Military Personnel Manual, 15 August 1991
(e) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149, signed 27 May 2025 (with attachments)
(2) DD Form 214
(3) NAVPERS 1070/605, History of Assignments
(4) NAVPERS 1070/613, Administrative Remarks, 7 February 1995
(5) NAVPERS 1070/613, Administrative Remarks, 8 February 1995
(6) NAVPERS 1070/613, Administrative Remarks, 9 February 1995
(7) NAVPERS 1626/7, Report and Disposition of Offense(s), 10 March 1995
(8) [REDACTED] CO Memo [REDACTED] subj: Notice of an Administrative Board Procedure Proposed Action, 12 June 1995
(9) Petitioner's Memo, subj: Statement of Awareness and Request for, or Waiver of, Privileges, 26 June 1995
(10) [REDACTED] Memo, subj: Record of Proceedings of an Administrative Board in case of [Petitioner], 13 November 1995
(11) [REDACTED] CO Memo [REDACTED], subj: [Petitioner], Recommendation for Separation by Reason of Misconduct due to Drug Abuse, as Evidenced by his Service Record, 4 December 1995
(12) BUPERS Memo, subj: Admin Discharge ICO [Petitioner], dtg 171901Z JAN 96
(13) Mental Disorders Evaluation and Independent Medical Opinion, 26 October 2023
(14) Department of Veterans Affairs Rating Decision, 6 May 2024
(15) Naval Discharge Review Board Review of Discharge, Docket No. ND97-00273
(16) BCNR Letter ELP Docket No. 2900-99, 1 September 1999
(17) BCNR Memo Docket No. 06469-25, subj: Advisory Opinion ICO [Petitioner], 1 December 2025
(18) Petitioner's Letter, subj: Advisory Opinion ICO [Petitioner] Docket No:

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

NR20250006469, *undated*

1. Pursuant to the provisions of reference (a), the Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records, hereinafter referred to as the Board, requesting that his characterization of service be upgraded to honorable and that his narrative reason for separation be changed.¹

2. A three-member panel of the Board convened in executive session on 30 January 2026 to review Petitioner's allegations of error or injustice pursuant to its governing policies and procedures, and determined by a majority vote that the corrective action recommended in paragraph 6a below should be taken upon Petitioner's naval record in the interests of justice. Documentary material considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies, to include references (b) and (c).

3. Factual Background. Following are the relevant facts of Petitioner's case based upon review of his naval record and/or the matters provided with his application:

a. Petitioner enlisted in the Navy and commenced a period of active-duty service on 27 December 1993. See enclosure (2).

b. Petitioner reported for his first permanent duty aboard the [REDACTED] on 4 April 1994. See enclosure (3).

c. On 7 February 1995, Petitioner was formally counseled in writing for an unauthorized absence (UA) from the ship from 0645 hours until 0810 hours on that date. See enclosure (4).

d. On 8 February 1995, Petitioner was formally counseled in writing for a UA from the ship from 0645 hours until 0810 hours on that date. See enclosure (5).

e. On 9 February 1995, Petitioner was formally counseled in writing for a UA from the ship from 0645 hours until 0750 hours on that date. See enclosure (6).

f. On 23 March 1995, Petitioner received non-judicial punishment (NJP) for the wrongful use of marijuana in violation of Article 112a, Uniform Code of Military Justice (UCMJ).² His punishment consisted of the forfeiture of \$478 pay per month for two months; 45 days of extra duties and restriction; and reduction in rate to paygrade E-2. See enclosure (7).

g. By memorandum dated 12 June 1995, Petitioner was formally notified that he was being processed for administrative separation for misconduct due to drug abuse via the administrative board procedures. See enclosure (8).

¹ Petitioner's application constitutes a request for reconsideration of the Board's denial of his previous request for the same relief in Docket No. 2900-99.

² Petitioner allegedly used marijuana on 14 February 1995. He signed a statement indicating that he left an "after-hours" bar with two civilian females who offered him a "hit" off of a rolled cigarette, and that he accepted under the influence of alcohol.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

h. On 26 June 1995, Petitioner elected to exercise his right to a hearing before an administrative discharge board after consulting with counsel. See enclosure (9).

i. On 13 November 1995, an administrative discharge board convened on board the [REDACTED] to consider Petitioner's case. Petitioner was represented by counsel and provided a sworn statement during this hearing. After considering all of the evidence, the administrative discharge board unanimously found that Petitioner committed misconduct due to drug abuse and recommended that he be discharged from the Navy with a general (under honorable conditions) characterization of service. See enclosure (10).

j. By memorandum dated 4 December 1995, Petitioner's commander forwarded the results of Petitioner's administrative discharge board to the Chief of Naval Personnel (CNP) (PERS-83) with his own recommendation that Petitioner be separated from the naval service with a general discharge. See enclosure (11).

k. By message dated 17 January 1996, the PERS-83 directed that Petitioner be separated from the Navy under honorable conditions with a general discharge. See enclosure (12).

l. On 19 January 1996, Petitioner was discharged from the Navy with a general (under honorable conditions) characterization of service for misconduct due to drug abuse. See enclosure (2).

m. On 26 October 2023, Petitioner was diagnosed with a depressive disorder and an anxiety disorder. The evaluating psychologist who rendered these diagnoses attributed both conditions to Petitioner's tinnitus condition, which he opined to be at least as likely as not due to Petitioner's naval service. Petitioner reported to the evaluating psychologist during this evaluation that he was arrested in 1993 and 1998 for driving under the influence (DUI) of alcohol.³ See enclosure (13).

n. On 6 May 2024, Petitioner was granted service connection from the Department of Veterans Affairs (VA) for unspecified depressive and anxiety disorders with a 70 percent disability rating. See enclosure (14).

4. Procedural Background.

a. Petitioner sought an upgrade to his discharge characterization and a change to his narrative reason for separation from the Naval Discharge Review Board (NDRB) in December 1996. Specifically, he asserted that his "Undesirable Discharge was inequitable because it was based on one isolated incident in 25 months of service with no other adverse action" and that he wished to continue his education using the GI Bill. See enclosure (15).

b. On 3 March 1997, the NDRB unanimously found Petitioner's discharge to be proper and equitable under the circumstances, and therefore denied his request for an upgrade. See enclosure (15).

³ Petitioner's enlistment records reflect that he was granted an enlistment waiver for the DUI which occurred in 1993.

c. On 25 August 1999, a three-member panel of the Board denied Petitioner first request for the corrective action discussed in paragraph 1 above in Docket No. 2900-99.⁴ Specifically, the Board stated that it could find no justification for the requested correction in his record, and believed that Petitioner had already been afforded significant leniency by receiving a general discharge since most discharges for drug abuse are under other than honorable (OTH) conditions. See enclosure (16).

d. Petitioner filed enclosure (1) requesting the corrective action described in paragraph 1 above in June 2025.⁵ Specifically, he highlighted the new evidence of his diagnoses for depressive and anxiety disorders, and expressed his “sincere belief” that these conditions played a role in the behavior which resulted in his discharge. In this regard, he stated that he struggled internally with emotional and psychological challenges that he did not fully understand throughout his service, and that he has worked to overcome these challenges ever since. Petitioner provided a copy of his diploma, reflecting that he graduated from Indiana University with a Bachelor of Science degree in May 2024. Finally, Petitioner expressed regret for his actions which resulted in his discharge, and stated that he would make different choices if he could go back and do it again. See enclosure (1).

e. Because he based his request for relief in whole or in part upon his claimed mental health conditions, Petitioner’s application and records were reviewed by a Licensed Clinical Psychologist who provided an advisory opinion (AO) for the Board’s consideration. She noted the evidence of Petitioner’s current mental health diagnoses, but described these diagnoses as “temporally remote” to his service. She also noted that the evidence submitted indicates that his diagnoses were “secondary to a medical condition (tinnitus) that worsened and was diagnosed post-service.” Finally, she opined that Petitioner’s personal statement was not sufficiently detailed to provide a nexus between his post-service mental health conditions and his in-service misconduct. Accordingly, the Licensed Clinical Psychologist opined that there was insufficient evidence to find that Petitioner suffered from a mental health condition during her service and/or to attribute Petitioner’s misconduct to a mental health condition. See enclosure (17).

f. Petitioner provided a response to the AO referenced in paragraph 4e above. Specifically, he claimed that the evaluating psychologist who diagnosed Petitioner with depressive and anxiety disorders stated in enclosure (13) that his “[s]ymptoms began during [Petitioner’s] time in the USN and have been exacerbated by his service-connected condition.”⁶ He also insisted that he “truly feel[s] that the symptoms of depression and anxiety led [him] to [his] ridiculous behavior in which [he] used marijuana.” See enclosure (18).

5. Conclusions.⁷

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

⁴ This decision was communicated to Petitioner by letter dated 1 September 1999.

⁵ Petitioner’s DD Form 149 was signed on 27 May 2025 and was received by the Board on 6 June 2025.

⁶ Petitioner’s statement in this regard were somewhat deceptive, as the evaluative psychologist was not referring to his mental health conditions but rather to the tinnitus condition from which his diagnosed mental health conditions subsequently arose.

⁷ Except as discussed in paragraph 5e below, the Board’s conclusions were unanimous.

b. Petitioner's personal appearance was not necessary to explain any aspect of Petitioner's request for relief. Accordingly, his request for such an appearance was denied and the Board considered his case based upon the evidence of record.

c. The Board found insufficient evidence of any error in Petitioner's general discharge under honorable conditions for misconduct due to drug abuse when it was administered. In accordance with paragraph 3630620.1a(1) of reference (d), a Sailor could be separated from the Navy by reason for misconduct due to drug abuse based upon one or more instances of the illegal or wrongful use or possession of a controlled substance. Petitioner tested positive for the use of marijuana and admitted to such use once the results of that drug test were received. Accordingly, there was an adequate factual predicate for Petitioner's discharge upon this basis. It also appears from the record that all procedural requirements were satisfied to sustain Petitioner's discharge, as he was properly notified via the administrative board procedures that he was being recommended for administrative separation due to his drug abuse and he availed himself of his right to an administrative discharge board hearing with the advice of counsel. No action was taken to separate Petitioner before that hearing occurred, and his discharge and service characterization were consistent with the recommendation of that board. Finally, the Board found no error or injustice in the characterization assigned to Petitioner's discharge under the circumstances. In accordance with paragraph 3630620.2 of reference (d), discharges based upon misconduct due to drug abuse were normally characterized as OTH, and any more favorable characterizations had to be approved by the CNP. In fact, in accordance with paragraph 3630620.2c an honorable characterization was not authorized for discharges based upon misconduct due to drug abuse unless "the member's record is otherwise so meritorious that any other characterization would be clearly inappropriate." While Petitioner's drug use appears to have been an isolated event in his record, the general (under honorable conditions) characterization of service recommended by the administrative discharge board and approved by the separation authority was appropriate under the circumstances. As such, the characterization of service assigned to Petitioner's discharge was the most favorable characterization that he reasonably could have expected under the circumstances.

d. Because he based his request for relief in whole or in part upon his claimed mental health conditions, the Board reviewed Petitioner's application in accordance with the guidance of reference (b). Accordingly, the Board applied liberal consideration to Petitioner's claim that he suffered from depression and anxiety disorders during his naval service, and the effect that such conditions may have had upon his conduct. Even applying liberal consideration, however, the Board found insufficient evidence to conclude that Petitioner suffered from either of these conditions during his naval service. His current diagnoses with these conditions are temporally remote from his naval service, and his own recorded statements in enclosure (13) upon which these diagnoses were based indicated that his depression and anxiety arose from a tinnitus condition which has progressively worsened since his discharge. Additionally, contrary to Petitioner's claim in enclosure (18) (see paragraph 4f above), the evaluating psychologist did not state in enclosure (13) that Petitioner's depression and anxiety symptoms began during his time in the Navy or that they had been exacerbated by his service. Rather, the evaluating psychologist stated that Petitioner's tinnitus condition began and was exacerbated by his service, and that his depression and anxiety symptoms subsequently resulted from that tinnitus condition. Even if there was any credible evidence that Petitioner suffered from a depressive and/or anxiety disorder during his naval service, the Board would have found insufficient evidence that such

conditions excused or mitigated the misconduct for which he was discharged even applying liberal consideration. While the Board acknowledges that illicit drug use is often utilized to self-medicate for the symptoms of untreated mental health conditions, Petitioner explained the actual circumstances of his drug use when it was discovered. Specifically, he explained that he accepted the offer of a “hit” from two civilian females with whom he left a bar. This explanation does not describe drug use for “self-medicating” purposes, but rather indicates that Petitioner engaged in recreational use. Accordingly, the evidence simply would not support any nexus between Petitioner’s drug use and any mental health condition even if there was sufficient evidence that Petitioner suffered from such a condition at the time.

e. In addition to applying liberal consideration to Petitioner’s claimed mental health conditions and their potential effect upon his conduct in accordance with reference (b), the Board also considered the totality of the circumstances to determine whether equitable relief may be warranted in the interests of justice in accordance with reference (c). In this regard, the Board considered, amongst other matters, the isolated and non-violent nature of Petitioner’s drug use; the relatively reduced severity of marijuana use today compared to 1995; the entirety of Petitioner’s naval record, which included performance trait rating indicating that he was an above-average Sailor; Petitioner’s apparently sincere expression of remorse for his conduct; Petitioner’s post-service accomplishments, to include his recent completion of a Bachelor’s Degree from a prestigious university, suggesting that he has successfully rehabilitated himself; that Petitioner apparently developed tinnitus as a result of his time on the deck of the [REDACTED] and that this condition has apparently contributed to his current mental health ailments; Petitioner’s relative youth and immaturity at the time of his misconduct; and the passage of time since Petitioner’s discharge. The Board members agreed that these mitigating factors were sufficient to justify an equitable change to Petitioner’s narrative reason for separation to mitigate the stigma associated with his discharge. However, the Board members were unable to reach a consensus regarding whether the mitigating factors were sufficient to justify the equitable upgrade of Petitioner’s discharge characterization to fully honorable.

(1) *Majority Conclusion.* In addition to finding the mitigating factors sufficient to justify an equitable change to Petitioner’s narrative reason for separation to mitigate the stigma associated with his discharge, the Majority of the Board also found these mitigating factors sufficient to justify the equitable upgrade of his characterization of service to fully honorable. Specifically, the Majority noted that Petitioner was discharged for a single instance of marijuana use which appears to be an anomaly in his otherwise meritorious service record. This factor, combined with the length of time since Petitioner’s discharge; his post-service accomplishments, namely his recent completion of a Bachelor’s Degree; and his sincere expression of remorse, convinced the Majority that Petitioner should be fully relieved of any stigma resulting from a single instance of marijuana use that apparently occurred while he was intoxicated.

(2) *Minority Conclusion.* While finding the mitigating factors sufficient to justify an equitable change to Petitioner’s narrative reason for separation to mitigate the stigma associated with his discharge, the Minority of the Board determined that an equitable upgrade to his characterization of service is not warranted in the interests of justice. First, the Minority simply found that the mitigating factors did not so significantly outweigh the severity of Petitioner’s misconduct to justify such extraordinary relief. The Minority would certainly have been inclined

to upgrade Petitioner's characterization of service if he had been discharged under OTH condition, but it would not have recommended an upgrade to a characterization more favorable than the general (under honorable conditions) characterization already reflected in his record. In this regard, the Minority noted that Petitioner was already afforded significant leniency in that he was discharged with a general (under honorable conditions) characterization rather than the OTH characterization normally assigned under such circumstances. Second, the Minority noted that Petitioner has been arrested for a DUI since his discharge. In accordance with paragraph 7d of the Attachment to reference (c), negative post-service conduct, including any arrests, should be considered by the Board when determining whether to grant relief on the basis of an injustice. As such, this arrest offset some of the factors otherwise weighing in favor of such equitable relief. Finally, the Minority believed it would be unjust to recharacterize the quality of Petitioner's service in such a manner as to place it on par with that of the thousands of other Sailors who routinely complete the terms of their enlistments without engaging in misconduct sufficient to warrant the premature termination of their service, as doing so would degrade the value of the hard-earned honorable discharges awarded to those Sailors.

6. Recommendations.

a. *Majority Recommendations.* Based upon its conclusions as discussed in paragraph 5 above, the Majority of the Board recommends that the following corrective actions be taken upon Petitioner's naval record in the interests of justice:

(1) That Petitioner be issued a new DD Form 214 reflecting that his service ending on 19 January 1996 was characterized as "Honorable"; that his narrative reason for separation was "Secretarial Authority"; that his separation authority was "MILPERSMAN 3630900"; that his separation code was "JFF"; and that his reenlistment code was "RE-1." All other entries reflected on Petitioner's current DD Form 214 are to remain unchanged.

(2) That Petitioner be issued an Honorable Discharge Certificate.

(3) That a copy of this record of proceedings be filed in Petitioner's naval record.

(4) That no further corrective action be taken upon Petitioner's naval record.

b. *Minority Recommendations.* Based upon its conclusions as discussed in paragraph 5 above, the Minority of the Board recommends that the following corrective actions be taken upon Petitioner's naval record in the interests of justice:

(1) That Petitioner be issued a new DD Form 214 reflecting that the narrative reason for his separation from the Navy on 19 January 1996 was "Secretarial Authority"; that his separation authority was "MILPERSMAN 3630900"; and that his separation code was "JFF." All other entries reflected on Petitioner's current DD Form 214, to include his characterization of service and reenlistment code, are to remain unchanged.

(2) That a copy of this record of proceedings be filed in Petitioner's naval record.

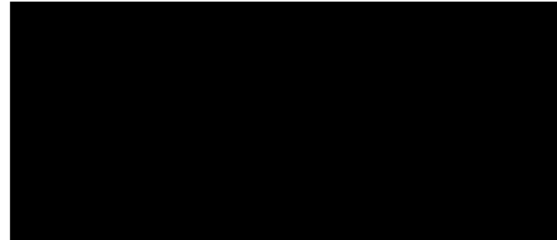
(3) That no further corrective action be taken upon Petitioner's naval record.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

7. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above titled matter.

8. The foregoing action of the Board is submitted for your review and action in accordance with Section 6e(1)(b) of Enclosure (1) to reference (e).

3/13/2026



ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

 X MAJORITY Recommendation Approved (Grant Relief – I concur with the Majority conclusion and therefore direct the corrective action recommended by the Majority in paragraph 6a above.)

 MINORITY Recommendation Approved (Partial Relief – I concur with the Minority conclusion and therefore direct only the corrective action recommended by the Minority in paragraph 6b above.)

 Board Recommendation Disapproved (Deny Relief – I concur with the Minority's conclusion that an equitable upgrade to Petitioner's discharge characterization is not warranted in the interests of justice, but I do not concur with the Board's conclusion that a change to Petitioner's narrative reason for separation is so warranted. Specifically, I found that the rationale cited by the Minority in paragraph 5e(2) above justifying its determination that Petitioner's characterization of service should not be upgraded to also justify making no changes to his narrative reason for separation. Accordingly, I direct that no corrective action be taken upon Petitioner's naval record.

